

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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FREDERICK O. SILVER,

Plaintiff,

vs.

CAPITAL MANAGEMENT SERVICES, LP,

Defendant.

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Case No.: 21-CV-00319-LJV

**NOTICE OF MOTION  
TO DISMISS**

**PLEASE TAKE NOTICE** that upon Defendant Capital Management Services, L.P.'s ("CMS") Motion dated August 13, 2025, Defendant will move this Court at the United States Courthouse, 2 Niagara Square, Buffalo, New York 14202 or telephonically on \_\_\_\_\_ at \_\_\_\_\_ am/ pm EST, for an Order dismissing Plaintiff's Complaint pursuant to Fed. R. Civ. Proc. Rules 37(b) and 41(b) for failure to prosecute and comply with the Court's Discovery Order (Docket No. 187) to respond in any fashion to Defendant Capital Management Services, LP's ("CMS") First Request for Production of Documents to Plaintiff and First Set of Interrogatories to Plaintiff and for such other and further relief as the Court may deem just and proper

**PLEASE TAKE FURTHER NOTICE** that Plaintiff intends to file and serve reply papers in response to any opposition to this motion in accordance with the Federal Rules of Civil Procedure and Local Rules of the Western District of New York.

Date: August 13, 2025

DAVIDSON FINK LLP

By: /s/ Glenn M. Fjermedal

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